

EXHIBIT 1
DATE 02/06/2013
HB 329**Pat Ingraham**

From: "Randy Brodehl" <randybrodehl57@gmail.com>
Date: Tuesday, February 5, 2013 6:59 PM
To: "Pat Ingraham" <ingraham@blackfoot.net>
Subject: HB 329

Hi Pat,

Wanted to add a little clarification regarding HB 329 that I presented today to House State Administration Committee. The questions raised were:

1. What about board members or contract employees? Can they testify other than as informational only. No, board members are state employees as defined on page 8, line 5. **"(17) 'State employee' means a temporary or permanent employee of the state, a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority, or a person under contract to the state."** Unless testifying to House Appropriations or to Senate Finance and Claims, their testimony must be informational only. Their testimony should be unbiased and will provide information that the committee can use for policy decisions. As was noted several times in testimony, state employees have a great deal of information, and they should be able to provide that at any time. The limitation though is to assure that is informational only, without lobbying as a proponent or opponent.

2. What about state employees who are representing an elected official? This question was asked of one of the witnesses and the answer may not have been fully provided. The elected official is the only one exempt from having to be informational only. Page 6, lines 17-22 **"(7) (a) 'Elected state official' means an individual holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to public service commissioners and district court judges. The term includes an individual appointed to fill the unexpired term of an elected state official and an individual who has been elected to a statewide office but who has not yet been sworn in."**

(b) The term does not include a legislator or a state employee who is not elected or appointed to fill an elected position." This certainly does not prevent them from providing full and complete information, it just prevents them from lobbying.

3. When can state employees lobby? a) When they are not representing an agency. b) When they are not being paid by the taxpayer.

That should clarify a couple questions that came up after the hearing. Thanks for letting me present today, rlb

Randy Brodehl, HD 7
751-1612

2/6/2013